

MOSER LAW FIRM, PC



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December 12, 2023

VIA ECF

Hon. Steven I. Locke, USMJ
United States District Court, Eastern District of New York
100 Federal Plaza
Central Islip, NY 11717

Re: *Hernandez, et ano v Rosso Uptown Ltd, et al*, Case No. 20-cv-04026-JMA-SIL

Dear Judge Locke:

I represent the plaintiffs in the above referenced matter. I write to respectfully request an extension of the time to file the joint Pretrial Order, to be determined at the upcoming conference of December 14, 2023, and that the pretrial conference currently scheduled for this Thursday, December 14, 2023 be converted to a telephone status/scheduling conference.

Background. Kevin S. Johnson, Esq. originally notified the Court that he would be representing the defendants *solely* with regard to dispositive motion practice. However, he later indicated to our office that he would be preparing the Defendants' portion of the joint PTO, thereby indicating that he would be serving as trial counsel.

This is the second request for an extension of the time to file the joint pretrial order. On December 4, 2023 the Court granted an extension from December 1, 2023 until December 8, 2023 to file the order as we had been unable to reach counsel for Defendants despite numerous attempts and the Defendants' portion of the joint PTO had not yet been furnished.

On December 8, 2023, following repeated requests, Mr. Johnson confirmed that he would be serving as trial counsel and offered to furnish Defendants' portion of the pretrial order. However, we have not yet received the Defendant's portion of the joint PTO, and have had no success reaching Mr. Johnson either by telephone or email today. Moreover, Defendants' counsel has not filed a notice of appearance.

For the foregoing reasons, we respectfully request that the time to file the Joint PTO be extended until a time to be determined at the upcoming conference presently scheduled for December 14, 2023 and that said conference be converted to a telephone status/scheduling conference. This letter was served upon the emails of the named defendants, which have been used by them throughout this litigation to communicate with the undersigned.



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Respectfully Submitted,

Steven J. Moser

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CC: All counsel of record via ECF *and*
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